

रजिस्टर्ड नं० पी०/एम० एम० 14.



राजपत्र, हिमाचल प्रदेश

(प्रसाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 19 जुलाई, 1980/28 आषाढ़, 1902

हिमाचल प्रदेश सरकार

परिवहन विभाग

अधिसूचना

शिमला-2, 23 जून, 1980

संख्या 6-9/79 (परिवहन).—मोटर वाहन अधिनियम, 1939 (1939 का 4) की धारा 63 की उप-धारा (3 बी) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राज्यपाल, हिमाचल प्रदेश, राजपत्र, हिमाचल प्रदेश (प्रसाधारण) अंक दिनांक 31 मई, 1979, 15 मार्च, 1980 तथा 17 मई, 1980 में पूर्व प्रकाशनो-परान्त, विहार, पंजाब, राजस्थान, हिमाचल प्रदेश, जम्मू तथा काश्मीर, हरियाणा, उत्तर प्रदेश, पश्चिम बंगाल और दिल्ली तथा चण्डीगढ़ के संक्षेत्रों के बीच मार्वजनिक माल वाहनों के परिचालन हेतु संलग्न पारस्परिक परिवहन समझौते का सहर्ष प्रकाशन करते हैं।

आदेश से,
अमर नाथ विद्यार्थी,
आयुक्त एवं सचिव।

RECIPROCAL AGREEMENT FOR PUBLIC CARRIERS BETWEEN THE STATES OF BIHAR, HARYANA, HIMACHAL PRADESH, JAMMU & KASHMIR, PUNJAB, RAJASTHAN, UTTAR PRADESH, WEST BENGAL AND UNION TERRITORIES OF DELHI AND CHANDIGARH

This Agreement made this 31st day of March, one thousand nine hundred and eighty between the Governor of Bihar of the One Part, the Governor of Haryana of the Second Part, the Governor of Himachal Pradesh of the Third Part, the Governor of Punjab of the Fourth Part, the Governor of Rajasthan of the Fifth Part, the Governor of Uttar Pradesh of the Sixth Part, the Governor of West Bengal of the Seventh Part, the Governor of Jammu & Kashmir of the Eighth Part, the President of India for and on behalf of the Union territory of Chandigarh of the Ninth Part, the President of India for and on behalf of the Union territory of Delhi of the Tenth Part.

Whereas by an agreement dated the 31st March, 1978 between the parties of the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth Parts, the said parties entered into a reciprocal agreement with a view to encourage long distance inter-State transport of goods by and between the said States on the terms and conditions contained in the said agreement.

And whereas, by mutual agreement, the parties hereto have agreed to modify the terms and conditions of the said agreement dated the 31st March, 1978 and it has been decided to enter into a fresh agreement as herein contained in partial modification of the existing agreement.

It is now agreed by and between the above parties as follows :—

- I. That this reciprocal agreement shall come into force on the 1st April, 1980 and shall remain valid upto the 31st March, 1984. It may be renewed for such further period as may be mutually agreed to by all the signatories to this agreement. For reasons to be given in writing by any of the signatory States, this reciprocal agreement may be revoked on three months' notice. Such revocation shall, however, abridge and modify the operation of this agreement only in so far as it relates to withdrawing State subject to the condition that permits already issued under this agreement will continue to be valid till the expiry of these permits irrespective of withdrawal by the State or States from this agreement.
- II. The total number of vehicles for which composite permits shall be issued shall not exceed 300 for each of the States of Bihar, Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan, Uttar Pradesh, West Bengal, Chandigarh and Delhi. While the States of Jammu & Kashmir and Himachal Pradesh shall issue 300 permits, the number of outside vehicles from each State entering Jammu and Kashmir and Himachal Pradesh shall be limited to 150. The composite permits issued by the competent Transport Authority of each signatory State shall be valid on all National and State Highways chosen for operation. A list of the National and State Highways in each signatory State is appended hereto as Annexure VI. The competent Transport Authority shall also issue to each of such permit holders an authorisation in the form annexed to this agreement (Annexure I) and such authorisation shall correspond to the period for which the advance payment has been received provided that the authorisation at one time shall not exceed period of one year. In case an authorisation is issued during the course of a year (financial year) it shall expire on 31st March of that year.

It shall, however, be open to any public carriers plying under such authorisation to deviate from the specified routes to the extent not exceeding 30 km. on either side of the specified routes.

- III. (i) Each applicant for a composite permit shall have to choose a minimum of three States i.e., the Home State and any two other States out of the remaining nine for operation with effect from the date of this agreement.
 - (ii) If a composite permit holder chooses to exclude a contiguous State for operation through which his vehicle must have to pass to reach any other State chosen for operation within the scheme, the holder of the permit shall have to pay full taxes to the "transit State".
 - (iii) A composite permit holder of a State shall be allowed to operate in any other State, separately covered under a bilateral agreement, but the same vehicle will not be allowed to be used both for the composite permit scheme as also the bilateral agreement scheme in the same State.
 - (iv) An option once exercised by a composite permit holder will not be allowed to be changed before a period of one year.
- IV. A public carrier operating under this agreement shall be free to operate without restriction of routes in the Home State whereas while operating in any area outside the Home State such a public carrier shall not pick up or set down goods between any two points lying wholly within the jurisdiction of the reciprocating States i.e. in such cases vehicles shall be prohibited from carrying any intra-State business.
- V. A public carrier operating under this agreement shall be subject to the following limitations and restrictions:—
- (1) No vehicle may be authorised under this agreement which—
 - (a) is more than four years old on the date of making applications for grant of the authorisation and which is more than nine years old at any point of time;
 - (b) does not carry the prescribed markings and distinguishing particulars and is not painted in the prescribed colour scheme as provided in the Scheduled annexed hereto (Annexure V);
 - (c) is not fitted with a body in conformity with the pattern as specified in the scheme annexed hereto (Annexure V).
 - (2) A public carrier plying under this agreement shall at all times carry a bill of lading in the form prescribed in the Schedule annexed (Annexure III). Carriage of goods not in conformity with the declaration in the Bill of lading shall be construed as infringement of the condition of the permit making the permit-holder liable under section 60 of the Motor Vehicles Act, 1939.
 - (3) Such vehicles shall conform to and comply with all provisions of the Motor Vehicles Act, as well as the provisions of the motor vehicles rules framed by the Home State subject to such restrictions as may be imposed by the State Governments from time to time under the provisions of the Motor Vehicles Act, 1939.
 - (4) A public carrier plying under this agreement shall be allowed to ply his vehicle on all National and State Highways in the signatory States chosen for operation. In particular in the case of vehicle in hilly areas of Himachal Pradesh, Jammu & Kashmir, Uttar Pradesh, West Bengal, etc., the operation will be subject to the load and other restrictions as may be imposed by the State Government concerned for any particular route/area. The (Home) State may make a suitable endorsement on the permit particularly in regard to the hilly States of Himachal Pradesh, Jammu and Kashmir and Uttar Pradesh, etc., as necessary, that the heavier vehicles will not be allowed in the hilly region of these States.
 - (5) The certificate of fitness of such a vehicle shall be liable to be suspended or cancelled by the competent authority of the Home State if it is found to be not in

conformity with the provisions relating to fittings, colour and body specification as detailed in the Schedule annexed hereto (Annexure V).

- (6) Such a vehicle shall at all times carry a valid authorisation in the form as detailed in the Schedule annexed (Annexure I) hereto granted under this agreement and issued under the signature and seal of the competent Transport Authority of the Home State.
- (7) Any authorisation holder plying under this agreement shall file a quarterly return in regard to such a vehicle in the form prescribed as detailed in the Schedule annexed (Annexure IV) hereto in quintuplicate to the Secretary of the State Transport Authority of the Home State who, in turn, shall furnish copies thereof to the Secretaries, State Transport Authorities of the other signatory States.
- (8) Such a vehicle shall at all times carry—
 - (a) a valid certificate of fitness;
 - (b) a certificate of registration; and
 - (c) Bill/Bills of Lading covering goods actually carried in the vehicle at the moment.

VII. A vehicle plying under authorisation issued under the special agreement may be stopped and inspected for the purpose of enforcement of the provisions of this agreement by an officer of the rank of Assistant Inspector of Motor Vehicles or Sub-Inspector of Police or any other officer whose rank is mutually agreed upon by the signatory States. Such an Inspecting Officer shall issue a check report in triplicate, one copy of which shall be served on the person in charge of vehicle, the second copy shall be sent to the competent Transport Authority of the Home State and the third copy sent to the competent Transport Authority of the State concerned. The competent Transport Authority of the Home State, on receipt of the copy of the check report, may take such action as he may deem fit.

VIII. (1) A composite permit holder plying under authorisation shall be liable to pay as under:—

- (a) Motor Vehicles Tax and the Goods Tax obtaining in the Home State.
- (b) A sum of Rs. 500/- per annum in lieu of taxes mentioned in clause (a) above to Delhi, in case it is opted for operation, a sum of Rs. 250/- per annum in lieu of taxes mentioned in clause (a) above to Chandigarh in case it is chosen for operation and a sum of Rs. 1000/- per annum in lieu of taxes mentioned in clause (a) above to each of the remaining State of his option other than the Home State.

This sum shall be paid in advance by the crossed Bank Draft on or before the 15th of March every year (irrespective of the R.L.W. and P.L.W. of the Vehicle). For this purpose, all the signatory States shall make suitable provisions in their taxation laws. Each signatory State shall designate a competent authority for the purpose of receiving the amount mentioned above on behalf of other States which shall thereafter be transferred to the respective States. Such competent Authority shall stamp and endorse the authorisation to that effect. Any vehicle plying under such an authorisation in the absence of such valid endorsement shall be deemed to be plying in contravention of the condition of the permit and shall be liable to suspension and cancellation of the permit under section 60 of the Motor Vehicles Act, 1939.

The sum mentioned above will not be inclusive of municipal levies such as octroi etc. and composite permit holder will be liable to pay them separately.

- (2) Notwithstanding that the amount is required to be paid for the whole year in advance as per sub-clause (1) above, the owner of the vehicle may at his option, pay it in two

equal instalments, the first on or before the 15th March every year for the period April-September and the second instalment on or before the 15th September (of the current financial year) for the period October-March and obtain endorsement of having paid this tax from the competent authority of the Home State in certificate specified in Annexure II.

- (3) A composite permit holder shall be required to pay a fee of Rs. 300/- per year per vehicle for grant of an authorisation irrespective of the number of States chosen for operation. This sum shall be paid in advance in full irrespective of whether the authorisation is granted at the commencement of a financial year or after the commencement thereof by Bank Draft to the competent Authority of the Home State who will retain the amount.
- (4) If the vehicle covered by the authorisation is kept under non-use for a period/periods during the validity of the authorisation, no refund of amount paid for that period/periods will be allowed.
- (5) If the initial authorisation is granted at any time after the first quarter of the financial year, the tax shall be assessed on prorata basis for the remaining quarters of the financial year including the quarter in which the authorisation is granted. For the purpose, a quarter shall be taken as a unit and not months and days provided that this relief shall not be admissible for subsequent authorisation.
- (6) If the vehicle covered by the authorisation is sought to be replaced by another suitable vehicle after prior permission of the Authority which originally granted the permit, the registration mark of the replaced vehicle may be noted by the Home State Transport Authority in the authorisation and the tax already paid shall be deemed to have been paid for the replaced vehicle for the period following the date on which the vehicle is replaced.
- (7) If an operator does not pay his composite tax within the prescribed period, he shall be liable to pay, in addition to the composite tax of Rs. 1,000/- an additional sum of Rs. 25/- per month or part thereof for each of the States covered by the Scheme other than Delhi and Chandigarh in respect of which payment is delayed and Rs. 5/- per month or part thereof for each of the State of Chandigarh and Delhi. The said amount shall be payable through crossed Bank Draft in the name of the designated authority of the State concerned and shall be sent to the State concerned as and when received. The operator would also be required to pay any other penalty for delay in payment of Home State taxes that might be imposed by that State under its own rules.

VIII. The competent authority of the Home State shall receive the amount on behalf of the other State as the case may be in the form of crossed Bank Drafts. These Drafts shall be made payable in the name of the designated authority of the State concerned and shall be sent by the Home State to the State concerned as and when received along-with a statement showing the details of the vehicle number, Bank Draft number and date and amount, period for which paid etc.

IX. (A) For the implementation of this agreement, the State Transport Authority or Regional Transport Authority, as the case may be, of the Home State shall—

Issue composite permits for the inter-State route or routes or areas, as the case may be, covered by this reciprocal agreement for any three or more of the signatory States, such a composite permit holder shall have the benefit of rule framed under section 68 (2) (hh) read with section 63 (1) of the Motor Vehicles Act, 1939, referred to in para below; and the competent authority shall furnish copies of these composite permits (Part B only) to other signatory States within 30 days of issue.

- (B) Further, all the signatory States shall frame a suitable rule under section 68 (2) (hh) read with section 63 (1) to provide that the composite permits so granted by any of the signatory States other than the Home State shall be valid without countersignatures in the areas of the Home State and the Secretary of the State Transport Authority or the competent authority, as the case may be of the Home State shall issue an authorisation in the form prescribed in the Schedule (Annexure I).
- (C) Such composite permits shall be valid in all the signatory States other than the Home State as specified in the permit. A list of these Highways is annexed in the Schedule hereto. The composite permits shall also be valid on such other National Highways and the State Highways as may be notified from time to time by the Union Government or the State Government concerned and which are endorsed on the permit.
- X. In this agreement, the term "Home State" means the State in the territory of which the composite permit under section 56 has been granted and authorisation therefor is issued under this agreement.
- XI. For the purpose of this agreement, the term "Year" shall be deemed to be a financial year.
- XII. For the purpose of this agreement, each of the ten parties hereto shall be deemed to be a "State".
1. Sd/- Additional State Transport Commissioner, Government of Bihar, Patna.
 2. Sd/- The Secretary to Government of Haryana, Transport Department, Chandigarh.
 3. Sd/- Deputy Secretary to Government of Himachal Pradesh, Transport Department, Simla.
 4. Sd/- Secretary to Government of Jammu and Kashmir, Food, Supply and Transport Department, Jammu and Sd/- Inspector General of Transport, Jammu and Kashmir State for Government of Jummu and Kashmir.
 5. Sd/- Secretary to Government of Punjab, Transport Department, Chandigarh.
 6. Sd/- Dy. Secretary to Government of Rajasthan, Home Department, Jaipur.
 7. Sd/- Lt. Secretary to Government of Uttar Pradesh, Transport Department, Lucknow.
 8. Sd/- Deputy Secretary to Government of West Bengal, Home (Transport) Department, Calcutta.
 9. Sd/- Deputy Secretary, Home (Transport), Chandigarh Administration, Chandigarh.
 10. Sd/- Special Secretary (Transport), Delhi Administration, Delhi.

ANNEXURE I

AUTHORISATION UNDER SPECIAL RECIPROCAL AGREEMENT

• (Valid in the States of Bihar, Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan, Uttar Pradesh, West Bengal, Chandigarh and Delhi).

No.

1. Name in full (Starting with surname and complete address of owner).
2. Registration Mark.
3. Engine No.
4. Chassis No.

5. Original Permit No.
 6. Permit Issuing Authority.
 7. Make.
 8. Year of manufacture.
 9. R.L.W.
 10. U.L.W.
 11. Payload.
 12. Period of validity of the authorisation. *From*
 13. Valid for the States: *To*

(Seal of the competent Authority).¹⁵

(Signature of the competent Authority).

ANNEXURE II

**CERTIFICATE OF PAYMENT OF TAX UNDER SPECIAL RECIPROCAL
AGREEMENT**

RATE OF ANNUAL TAX

Name of the State	Amount paid	Particulars of bank draft and date	Date of payment	Period for which paid	Registration No. of the vehicle
1	2	3	4	5	6
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					

(Signature and Seal of the Authority).

ABSTRACT OF CONDITIONS OF COMPOSITE PERMIT

1. This authorises the operation of the vehicle on the National and State Highways in the signatory States chosen for operation other than the Home State. A list of National and State Highways is annexed hereto. The vehicle shall also be valid on such other National Highways and State Highways as may be notified from time to time by the Union Government or the State Government concerned and which are endorsed on the permit.

The vehicle shall be authorised to deviate upto 30 km on either side of the specified routes.

2. While operating in any area outside the Home State such a public carrier shall not pick or set down goods between any two points lying wholly within the jurisdiction of the reciprocating State, i.e. in such cases vehicles shall be prohibited from carrying any intera-State business.

3. The vehicle shall be painted in chocolate colour with broad white borders and board showing the following inscription in white letters on black background shall be carried prominently above the "Public Carrier" board:

Inscription: Permit under special reciprocal agreement *valid in Bihar, Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan, Uttar Pradesh, West Bengal, Chandigarh and Delhi.

*States not applicable to be struck off.

The vehicle shall be provided with a seat across the full width of the vehicle behind the driver's seat providing for a spare driver to stretch himself and sleep.

4. The vehicle shall at all times carry the Bill/Bills of Lading (in the manner directed by the STA, Home State) covering the goods in vehicle.

5. The vehicle shall conform and comply with all the provisions of the Motor Vehicles Act, 1939 as well as the provisions of the Motor Vehicles Rules framed by the Home State subject to such restrictions as may be imposed by the State Government from time to time under the provisions of the Motor Vehicles Act, 1939.

6. The vehicle shall at all times carry the original permit documents and the authorisation issued under this agreement.

7. A composite permit holder plying under such an authorisation shall be liable to pay an annual tax of a sum of Rs. 500/- per vehicle to Delhi, a sum of Rs. 250/- per annum in lieu of taxes mentioned in clause (a) above to Chandigarh and Rs. 1,000/- per vehicle to such of the States of Bihar, Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan, Uttar Pradesh and West Bengal for which he has opted in addition to the Motor Vehicle Tax and Goods Tax, if any, of the Home State. This will be irrespective of the RLW of the vehicle and shall be paid in advance on or before the 15th of March every year.

The composite permit holder may, at his option, pay the above taxes in two instalments, the first on or before the 15th March (every year) for the period April-September and the second instalment on or before the 15th September (of the current financial year) for the period October-March.

8. (i) Each applicant for a composite permit shall have to choose minimum of three States, that is, the Home State and any two other States out of the remaining nine, for operation, w.e.f. the date of this Agreement.

(ii) If a composite permit holder chooses to exclude a contiguous State for operation through which his vehicle must have to pass to reach any other State chosen for operation within the Scheme, the holder of the permit shall have to pay full taxes to the "Transit State" unless otherwise exempted.

(iii) An option once exercised by a composite permit holder will not be allowed to be changed before a period of one year.

9. If an operator does not pay his composite tax within the prescribed period, he shall be liable to pay, in addition to the composite tax of Rs. 1,000/- an additional sum of Rs. 25/- per

month or part thereof for each of the States covered by the Scheme other than Chandigarh and Delhi in respect of which payment is delayed and Rs. 5/- per month or part thereof for each of the States of Chandigarh and Delhi. The said amount shall be payable through crossed bank draft in the name of the designated authority of the State concerned and shall be sent to the State concerned as and when received. The operator would also be required to pay any other penalty for delay in payment of Home State taxes that might be imposed by that State under its own rules.

10. If a composite permit holder fails to apply for renewal of authorisation for minimum number of States required to be chosen for operation under the agreement within a period of one month from the date of expiry of previous authorisation, his permit shall be liable to be cancelled.

ANNEXURE III

BILL OF LADING

Name and Address of the permit holder'	Truck No.	Bill No. Date
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, Name of the consignors.

Name of the consignee.

Destination.

No. of articles	Description of goods	Cwt. B. Md. kg.	Freight Charge paid	Freight charge to pay	Total Bill	Date
Rs.	P.	Rs.	P.	Received.....	
				Package.....	
				from.....	
				Truck No.....	

(Signature of the carrier).

Signature of the consignor.

At Carrier's risk/At owner's risk.

Value of the good's Rs.....

Delivery at.....

Note.—The bill of lading will be in the proforma given above and will be in quadruplicate the original (white) to be carried in the vehicle, the duplicate (light green) for the consignee and the fourth copy (cream yellow) for record of the permit holder.

ANNEXURE IV
QUARTERLY REPORT

1. Name of the operator and address.
2. Registration mark of vehicle.
3. Composite permit No.

SUMMARY OF TRIPS MADE DURING THE QUARTER
TOTAL DISTANCE COVERED IN THE STATE OF

Month	Bihar	Haryana,	Himachal Pradesh	Jammu and Kashmir	Punjab	Rajasthan
1	2	3	4	5	6	7
U.P.	West Bengal	Chandigarh	Delhi	Total distance		Remarks
8	9	10	11	12		13

Date.....

Signature of the permit holder.

Note.—In remarks column, state reason for low or high running in any particular state or States and any other points which caused low operations.

ANNEXURE V

SPECIFICATIONS OF THE COLOUR SCHEME AND SPECIAL MARKINGS TO BE CARRIED ON THE VEHICLE AND THE CONSTRUCTION OF THE VEHICLES

1. The vehicles shall be painted in chocolate colour with broad white borders. The words "N.Z." in big letters will be inscribed on two sides of the vehicles within a circle.
2. A board with the following inscription with white letters on black background shall also be carried so as to be clearly visible above the "PUBLIC CARRIER" board :—

COMPOSITE PERMIT

Under Special Reciprocal Agreement

*valid in Bihar, Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, Rajasthan, Uttar Pradesh, West Bengal, Chandigarh, Delhi.

3. The vehicle shall be provided, wherever feasible, with a seat across the full width of the vehicle behind the driver's seat providing facility for the spare driver to stretch himself and sleep.

*Strike off the name of the State not applicable.

नियन्त्रक, मुद्रण तथा लेखन सामग्री, हिमाचल प्रदेश, शिमला-३ द्वारा मुद्रित तथा प्रकाशित ।